No. 8073—8087-18.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

EMIGRATION.

RESOLUTION.

Simla, the 12th October 1906.

The Government of India have received from His Majesty's Secretary of State for India a copy of an Act passed by the Parliament of the Commonwealth of Australia to amend the Immigration Restriction Act of 1901, extracts from which were published in the Supplement to the *Gazette of India*, dated 10th May 1902, with Resolution No. 13—38-2, dated the 9th May 1902. The more important provisions of this law, which is entitled "The Immigration Restriction Amendment Act, 1905," are noted below for general information.

2. The portion of section 3 of the Principal Act which relates to the dictation test is as follows:—

"The immigration into the Commonwealth of the persons described in any of the following paragraphs of this section (hereinafter called "prohibited immigrants") is prohibited, namely:—

(*a*) Any person who when asked to do so by an officer fails to write out at dictation and sign in the presence of the officer a passage of fifty words in length in an European language directed by the officer."

This section has now been amended by section 4 of the new Act, the material provisions of which are as follows:—

"4. Section 3 of the Principal Act is amended—

(*a*) by omitting the whole of paragraph (*a*), and inserting in lieu thereof the following paragraph:—

"(*a*) Any person who fails to pass the dictation test: that is to say, who, when an officer dictates to him not less than 50 words in any prescribed language, fails to write them out in that language, in the presence of the officer.

No regulation prescribing any language or languages shall have any force until it has been laid before both Houses of the Parliament for thirty days and, before or after the expiration of such thirty days, both Houses of the Parliament by a resolution, of which notice has been given, have agreed to such regulation."

3. A section has been enacted which makes intermediate provision for the application of section 3, as amended, as follows:—

"5. Until a regulation prescribing any language or languages under section 3 of the Principal Act as amended by this Act shall come into force, any language authorized by section 3 of the Principal Act before the commencement of this Act shall be deemed to be a prescribed language within the meaning of that section as so amended."

4. The following new section has been inserted:—

"4-B. (1) Any person who has resided in Australia for a period or periods in the aggregate of not less than five years, and who is about to depart from the Commonwealth, may in manner prescribed apply to an officer authorized in that behalf for a certificate in the prescribed form excepting him, if he returns to the Commonwealth within the period limited in the certificate, from the provisions of paragraph (*a*) of section 3 of this Act.

"(2) The officer may in his discretion give the certificate on payment of the prescribed fee, or, without assigning any reason, withhold it.

"(3) Where the Minister is satisfied that a certificate given under this section has been obtained by any untrue statement of fact or intention, the Minister may revoke the certificate, which shall thereupon be taken to be of no effect and shall on demand be delivered up to the Minister.

"(4) A person to whom a certificate under this section has been issued (which certificate has not been revoked) shall not, on his return to the Commonwealth within the time limited by the certificate, if he produces and delivers the certificate to an officer, be required to pass the dictation test."

5. Section 5 of the Principal Act has been amended, and now reads thus—

"(1) Any immigrant who evades an officer or who enters the Commonwealth at any place where no officer is stationed may if at any time thereafter he is found within the Commonwealth be *required to pass the dictation test*, and shall if he fails to do so be deemed to be a prohibited immigrant offending against this Act.

"(2) Any immigrant may at any time within one year after he has entered the Commonwealth be *required to pass the dictation test*, and shall if he fails to do so be deemed to be a prohibited immigrant offending against this Act.

The following sub-section has also been added:—

"(3) In any prosecution under the last preceding sub-section, the averment of the prosecutor contained in the information that the defendant has entered the Commonwealth within one year before his failing to pass the dictation test shall be deemed to be proved in the absence of proof to the contrary."

6. Section 6 of the Principal Act has been amended, and now stands as follows:—

"Any prohibited immigrant within the meaning of paragraph (*a*) only of section 3 may if thought fit by an officer be allowed to enter the Commonwealth or to remain within the Commonwealth upon the following conditions:—

(*a*) He shall on entering the Commonwealth or on failing *to pass the dictation test* deposit with an officer the sum of one hundred pounds.

(b) He shall within thirty days after depositing such sum obtain from the Minister a certificate of exemption in the form of the Schedule or depart from the Commonwealth, and thereupon the deposit shall be returned; but otherwise the deposit or any part thereof may be forfeited and he *shall be deemed to be* a prohibited immigrant offending against this Act."

7. It will be observed that the most important change effected by the Amending Act is the substitution of "any prescribed language" for "an European language" in the case of the dictation test. The languages will be prescribed by the Regulations which will be framed under the Act. The Governor-General in Council requests all Local Governments to take such measures as seem to them best calculated to make the provisions of the Act generally known to natives of India, more especially in places from which emigration to the Australian Colonies is believed to be most common. Intending emigrants should be warned at the ports of embarkation of the difficulties they may encounter in proceeding to these Colonies.

ORDERED that a copy of the above Resolution be forwarded, for information and guidance, to the Local Governments and Administrations noted in the margin and to the Home and Foreign Departments for information.

The Secretary to the Government of Madras.
" " " " Bombay.
" " " " Bengal.
" " " " the United Provinces.
" " " " the Punjab.
" " " " Burma.
" " " " Eastern Bengal and Assam.
" Hon'ble the Chief Commissioner of the Central Provinces.
" Chief Commissioner of Coorg.
" " " of Ajmer-Merwara.
" Hon'ble the Chief Commissioner of the North-West Frontier Province.
" " " Agent to the Governor-General, Baluchistan.

ORDERED also, that a copy be published in the Supplement to the *Gazette of India* for general information.

W. L. HARVEY,
Secretary to the Government of India.